

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 6723**

**BILL NUMBER:** HB 1093

**NOTE PREPARED:** Dec 19, 2002

**BILL AMENDED:**

**SUBJECT:** Escape from Home Detention.

**FIRST AUTHOR:** Rep. Frenz

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill has the following provisions:

(A) It specifies that fleeing from a community correction residential facility or home detention constitutes escape, a Class C felony.

(B) It amends the escape statute to provide that the knowing or intentional violation of a home detention order does not constitute escape.

**Effective Date:** July 1, 2003.

**Explanation of State Expenditures:** *Provision A:* Under IC 35-41-1-18, lawful detention includes a community correction program's residential facility and electronic monitoring. The definition does not include home detention without electronic monitoring. Consequently, this bill could potentially increase the number of offenders who might be arrested and prosecuted for fleeing home detention without electronic monitoring.

A Class C felony is punishable by a prison term ranging from two to eight years depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures ranged from \$18,520 to \$54,465. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class C felony offenders is approximately two years.

*Provision B:* A home detention order can include not associating with certain individuals or abstaining from

alcohol or illegal drugs. Currently, if a person defies a detention order by doing either of these, the person may be charged with escape as a Class D felony. This bill would remove this provision in the law and limit criminal escape to intentionally removing an electronic monitoring device to a Class D felony. This provision could marginally reduce future prison commitments. The number of offenders who have been prosecuted under this section of the code is not known.

**Explanation of State Revenues:** *Provision A:* If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for either a Class C or D felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**Explanation of Local Expenditures:** *Provision A:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

*Provision B* could reduce the number of arrests if any are already occurring.

**Explanation of Local Revenues:** *Provision A:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs Association, Department of Correction.

**Fiscal Analyst:** Mark Goodpaster, 317-232-9852